REMARKS

The present invention is a mobile telephone including a recovery management terminal for handling deleted items in the mobile phone and a method for handling deleted items being represented in a mobile phone including a recovery management terminal in a hierarchical memory structure. The method for handling deleted items represented in a recovery management terminal in a wireless communication unit in a hierarchical memory structure in accordance with an embodiment of the invention includes representing a name of the deleted items in the memory structure as identified by reference numeral 42 in Fig. 7, where the representation includes additional information about the deleted item, such as icon 55; recovering at least one deleted item from the hierarchical memory structure of the deleted items and relocating the at least one recovered deleted item to an original location before being deleted from the hierarchical memory structure in the recovery management terminal; saving the recovered at least one deleted item to a new location; and using a user interface for emptying the hierarchical memory structure and enabling manipulation of the deleted items including providing a user of the wireless communication unit browsing through the hierarchical memory structure as illustrated in Figs. 7-10.

Moreover, the present invention controls a time at which deleted items are deleted from the hierarchical memory structure and further provides transferring the deleted items between storage locations in different memories. See paragraph [0047] and paragraph [0057] of the Substitute Specification.

Claims 21-40 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner reasons that claims 21, 28 and 36 are indefinite as a result of the recitation "providing a user of the wireless communication unit browsing through the hierarchical memory structure". It is submitted that such language is definite when considered in the context of the disclosure, such as, for example, in Fig. 7 where it deleted items 53 are shown in a list 52 through which a user may properly be described as browsing when any one of those deleted items is selected by clicking on the icon 55. See paragraph [0035] of the Substitute Specification.

Claims 21, 23, 27, 28, 30, 34, 36, 38 and 39 stand rejected under 35 U.S.C. §103 as being unpatentable over the Microsoft Windows Screen Shots (Recycle Bin) in view of Johnson in view of United States Patent 5,706,334 (Balk et al). These grounds of rejection are traversed for the following reasons.

Each of the independent claims has been amended to recite a mobile phone including a recovery management terminal for handling deleted items in the mobile phone or a method for handling deleted items being represented in a mobile phone including a recovery management terminal in a hierarchical memory structure including substantively controlling a time at which deleted items are deleted from the hierarchical memory structure which has no counterpart in the cited prior art. The claims are limited to a mobile phone including a recovery management terminal for handling deleted items in the mobile telephone which a person of ordinary skill in the art would not consider to be achievable from the combined teachings of the prior art relied upon by the Examiner. The recycle bin in Johnson prior art is applicable to standard computer operation systems which a person of ordinary skill in the art understands have no applicability to the claimed mobile telephones which are known

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to have limited computational capability which would not support the subject matter of the Recycle Bin.   Balk et al which, while disclosing a control apparatus that is connected to a telephone network and a television set, would not be considered by a person of ordinary skill in the art to be combinable with the Recycle Bin and Johnson prior art except by impermissible hindsight.

Moreover, it is submitted that the Examiner has misconstrued the teachings of Johnson where the Examiner indicates that Johnson cures the deficiencies of the Recycle Bin prior art regarding establishing a link from a memory position in which the recovered at least on deleted item is stored to a new location.   The changing of a first character in the name of a file is not the moving of the file from the one storage medium to another as recited in the claims: "relocating a link to the recovered at least one deleted item to an original location thereof before deletion thereof from a memory position in which the deleted item is stored" as recited in claim 21; "to relocate the recovered at least one deleted item to an original location in another memory structure in which the at least one recovered deleted item was located before deletion thereof and moving to the hierarchical memory structure of the recovery management terminal" as recited in claim 28; and "relocating at least one recovered deleted item to an original location before being deleted from the hierarchical memory structure in the recovery management terminal" as recited in claim 36. The renaming of a directory listing does not meet the foregoing limitations.

Claim 23 further limits claim 21 in reciting "a mobile phone for handling deleted items according to claim 21 wherein the deleted items include SMS...operator icons picture or profiles". The Examiner acknowledges that the prior art does not specifically teach this subject matter but reasons that it is inherent that

Microsoft allows this subject matter. The Examiner has not demonstrated a case for inherency which is that the subject matter must be present in the proposed combination. It is submitted that a person of ordinary skill in the art would not consider such subject matter to be inherent in the proposed combination, especially when it is submitted that a person of ordinary skill in the art would not be motivated to make the proposed combination. Accordingly, the Examiner's conclusion regarding inherency is traversed.

Claim 27 further limits claim 21 in reciting wherein the additional information about the deleted item includes name, item type, deletion time, deletion date, link to a location in the mobile phone from where the deleted item was deleted. The Examiner erroneously concludes that Microsoft teaches a recovery management terminal for handling deleted items in a wireless communication unit. It is requested that the Examiner further explain how Microsoft teaches a recovery management terminal for handling deleted items in a wireless communication unit which is currently recited as a mobile phone.

The rejection of dependent claims 28, 30, 36, 38 and 39 is traversed for the reasons set forth above with respect to claims 21, 23, and 27.

Claims 22, 29 and 37 stand rejected under 35 U.S.C. §103 as being unpatentable over Recycle Bin, Johnson, Balk et al and United States Patent 6,256,739 (Skopp et al). The Examiner concludes that Recycle bin, Johnson and Balk et al do not teach a recovery management terminal for handling deleted items in a communication unit characterized in that the recovery management terminal can be turned off so that all deleted items are permanently deleted. The Examiner's reliance upon Skopp et al as teaching "[t]he shutdown procedure also calculates

whether an advertisement should be permanently removed from that client's advertisement index" does not cure the deficiencies noted above with respect to the Recycle Bin, Johnson and Balk et al prior art. Moreover, it is submitted that the teaching upon which the Examiner relies in Skopp et al would not be relied upon by a person of ordinary skill in the art to make the proposed combination except by impermissible hindsight. Claims 29 and 37 are patentable for the same reasons as set forth above with respect to claim 22.

Claims 24, 25, 26, 31, 32, 33, 35 and 40 stand rejected under 35 U.S.C. §103 as being unpatentable over Recycle Bin in view of Johnson and Balk et al in view of United States Patent 6,636,733 (Helferich). Helferich has been cited as providing a system for deleting messages when memory is full but the deleted or overwritten messages may again be received and stored by a mobile telephone. It is submitted that a teaching of again receiving and storing messages would not motivate a person of ordinary skill in the art to make the proposed combination to arrive at the subject matter of claim 24 which further limits claim 21 in reciting the recovery management terminal can be set to automatically delete the hierarchical memory structure when the memory available in the wireless communication is used" except by impermissible hindsight.

Claim 25 is patentable for the same reasons set forth above with respect to the independent claims pertaining to controlling a time at which deleted items are deleted from the hierarchical memory structure. The reliance on Helferich's teaching that paging devices automatically delete the oldest message in order to make room in memory for a newly received message does not suggest the aforementioned control of a time at which the deleted messages are deleted since the automatic

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deletion of an oldest message to make room for a newly received message is an asynchronous event which is not "timed".

Claim 26 further limits claim 21 in reciting the recovery management terminal can be set to automatically delete the hierarchical memory structure when memory available in the wireless communication unit is used and the hierarchical memory structure can be set to delete selected types of items. The reliance upon Helferich as teaching that paging devices delete the oldest read message in order to make room in memory for a newly received message is submitted to not meet this subject matter except by impermissible hindsight since the claim 26 calls for an automatic deletion of the hierarchical memory structure when memory available in the wireless terminal is used and the hierarchical memory structure can be set to delete selected types of items which has no counterpart in Helferich.

Claims 31, 32, and 33 are patentable for the same reasons set forth above with respect to claims 24-36.

Claim 35 further limits claim 28 in reciting that the deleted items can be automatically deleted from one memory structure and relocated into the hierarchical memory structure of a recovery memory terminal when allocated memory of the structure is used. The teaching of Helferich regarding deleting messages and being overwritten does not suggest deleted items being automatically deleted from one memory structure and relocated into the hierarchical memory structure of the recovery management terminal when allocated memory of the memory structure is used. If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record where the basis for his conclusion is with respect to claim 35.

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Claim 40 is patentable for the same reasons set forth above with respect to claim 36.

Newly submitted claims 41-43 recite the transfer of the deleted items between storage locations in different memories. It is submitted that this subject matter has no counterpart in combined teachings of the prior art relied upon by the Examiner.
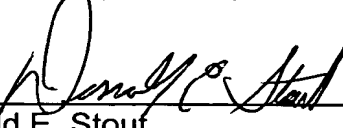
In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1030.40826X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Donald E. Stout
Registration No. 26,422
(703) 312-6600

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